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Roy L. Anderson  
18881 Von Karman Avenue  
Suite 1400  
Irvine, CA 92612

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In re Application of  
Chris W. Mahne, et al.  
Application No. 09/259,991  
Filed: March 1, 1999  
Attorney Docket No. JSF 35.046

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 2, 2001, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 20, 2000, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on March 21, 2001.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$445.00 extension of time submitted with the petition on July 2, 2001 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to the petitioner.

Telephone inquiries concerning this decision should be directed to Retta Williams at (703) 306-5594 or in my absence, Marianne Morgan at (703) 306-3475.

The application file is being forwarded to Technology Center 2100 for further processing.

*Retta Williams*

Retta Williams  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

*Marianne Morgan*

Marianne Morgan  
Petitions Examiner